

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CARMAN WILLIAMS,

Plaintiff,

-against-

NYC BOARD OF ELECTIONS, et al.,

Defendants.

23-CV-5460 (PGG)

ORDER OF SERVICE

PAUL G. GARDEPHE, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action under 42 U.S.C. § 1983; Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §§ 2000e to 2000e-17; New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297; and New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-101 to 131. She alleges that Defendant New York City Board of Elections and its employees discriminated and retaliated against her based on her race. By order dated July 17, 2023, the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees.

**DISCUSSION**

**A. Service on the Named Defendants**

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>1</sup> *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve

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<sup>1</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Defendants New York City Board of Elections, Hemalee Patel, Donna Ellaby, Carol Winer, and Reshma Patel through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each defendant. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these defendants.

If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if Plaintiff fails to do so.

#### **B. John and Jane Does 1-10**

Plaintiff names John and Jane Does 1-10 as defendants in the caption of the amended complaint. Because Plaintiff alleges no facts showing how the Doe defendants were directly involved in the alleged discriminatory conduct, and provides no information that would allow identification of these defendants, the Court declines at this time to issue an order under *Valentin v. Dinkins*, 121 F.3d 72, 76 (2d Cir. 1997), concerning these defendants.

#### **CONCLUSION**

The Clerk of Court is instructed to issue summonses as to Defendants New York City Board of Elections, Hemalee Patel, Donna Ellaby, Carol Winer, and Reshma Patel, complete the

USM-285 forms with the addresses for these defendants, and deliver to the U.S. Marshals Service all documents necessary to effect service.

The Clerk of Court is directed to mail an information package to Plaintiff.

SO ORDERED.

Dated: July 21, 2023  
New York, New York

*Paul G. Gardephe*

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PAUL G. GARDEPHE  
United States District Judge

**DEFENDANTS AND SERVICE ADDRESSES**

1. New York City Board of Elections  
32 Broadway, 7th Floor  
New York, NY 10004
2. Hermalee Patel  
New York City Board of Elections  
32 Broadway, 7th Floor  
New York, NY 10004
3. Donna Ellaby  
New York City Board of Elections  
32 Broadway, 7th Floor  
New York, NY 10004
4. Carol Winer  
New York City Board of Elections  
32 Broadway, 7th Floor  
New York, NY 10004
5. Reshma Patel  
New York City Board of Elections  
32 Broadway, 7th Floor  
New York, NY 10004